

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**GERALD RACHAL**

**CIVIL ACTION NO. 07-1511**

**VS.**

**JUDGE MELANÇON**

**ALLSTATE INS. CO.**

**MAGISTRATE JUDGE METHVIN**

***JURISDICTIONAL REVIEW RULING***

This diversity case was removed from the 14<sup>th</sup> Judicial District Court, Parish of Calcasieu pursuant to 28 U.S.C. § 1332. As required by a standing order of this court, the undersigned has reviewed the record to determine whether the required jurisdictional amount has been established.

Plaintiff alleges as follows: Allstate insured two houses owned by plaintiff in Lake Charles; plaintiff's policy has a dwelling limit of \$61,351.00 and contents of \$3,068.09; the properties were damaged as a result of Hurricane Rita; Allstate determined calculated plaintiff's claim at \$40,085.01 with recoverable depreciation totaling \$747.74; that plaintiff sent Allstate a proof of loss in the amount of \$61,082.67; and that Allstate's determination of loss is unreasonably low.

In addition to contractual benefits, plaintiff seeks penalties and attorney fees under La. R.S. 22:658 and/or La. R.S. 22:1220. Plaintiff alleges that he has suffered stress, mental anguish and emotional distress relating to Allstate's actions; and that his property damage claim was exacerbated by his inability to perform the necessary repairs because of Allstate's failure to pay. Plaintiff alleges that these damages were caused by Allstate's breach and are subject to being doubled as penalties under La. R. S. 22:1220.

Considering the foregoing, the undersigned concludes that the jurisdictional amount has been established in this case.

Signed at Lafayette, Louisiana, on January 18, 2008.

A handwritten signature in black ink, appearing to read 'M. Methvin', is written over a horizontal line.

Mildred E. Methvin  
United States Magistrate Judge  
800 Lafayette St., Suite 3500  
Lafayette, Louisiana 70501  
(337) 593-5140 (phone) 593-5155 (fax)